

111TH CONGRESS  
1ST SESSION

# S. 731

To amend title 10, United States Code, to provide for continuity of TRICARE Standard coverage for certain members of the Retired Reserve.

---

## IN THE SENATE OF THE UNITED STATES

MARCH 26, 2009

Mr. NELSON of Nebraska (for himself, Mr. GRAHAM, Mrs. LINCOLN, Mr. BYRD, Mr. DODD, Mrs. GILLIBRAND, Mr. ISAKSON, Mr. CASEY, Mr. LEAHY, and Mr. ALEXANDER) introduced the following bill; which was read twice and referred to the Committee on Armed Services

---

## A BILL

To amend title 10, United States Code, to provide for continuity of TRICARE Standard coverage for certain members of the Retired Reserve.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. TRICARE STANDARD COVERAGE FOR CERTAIN**  
2 **MEMBERS OF THE RETIRED RESERVE, AND**  
3 **FAMILY MEMBERS, WHO ARE QUALIFIED FOR**  
4 **A NON-REGULAR RETIREMENT BUT ARE NOT**  
5 **YET AGE 60.**

6 (a) IN GENERAL.—Chapter 55 of title 10, United  
7 States Code, is amended by inserting after section 1076d  
8 the following new section:

9 **“§ 1076e. TRICARE program: TRICARE Standard cov-**  
10 **erage for certain members of the Retired**  
11 **Reserve who are qualified for a non-reg-**  
12 **ular retirement but are not yet age 60**

13 “(a) ELIGIBILITY.—(1) Except as provided in para-  
14 graph (2), a member of the Retired Reserve of a reserve  
15 component of the Armed Forces who is qualified for a non-  
16 regular retirement at age 60 under chapter 1223, but is  
17 not age 60, is eligible for health benefits under TRICARE  
18 Standard as provided in this section.

19 “(2) Paragraph (1) does not apply to a member who  
20 is enrolled, or is eligible to enroll, in a health benefits plan  
21 under chapter 89 of title 5.

22 “(b) TERMINATION OF ELIGIBILITY UPON OBTAIN-  
23 ING OTHER TRICARE STANDARD COVERAGE.—Eligi-  
24 bility for TRICARE Standard coverage of a member  
25 under this section shall terminate upon the member be-

1 coming eligible for TRICARE Standard coverage at age  
2 60 under section 1086 of this title.

3       “(c) FAMILY MEMBERS.—While a member of a re-  
4 serve component is covered by TRICARE Standard under  
5 the section, the members of the immediate family of such  
6 member are eligible for TRICARE Standard coverage as  
7 dependents of the member. If a member of a reserve com-  
8 ponent dies while in a period of coverage under this sec-  
9 tion, the eligibility of the members of the immediate family  
10 of such member for TRICARE Standard coverage under  
11 this section shall continue for the same period of time that  
12 would be provided under section 1086 of this title if the  
13 member had been eligible at the time of death for  
14 TRICARE Standard coverage under such section (instead  
15 of under this section).

16       “(d) PREMIUMS.—(1) A member of a reserve compo-  
17 nent covered by TRICARE Standard under this section  
18 shall pay a premium for that coverage.

19       “(2) The Secretary of Defense shall prescribe for the  
20 purposes of this section one premium for TRICARE  
21 Standard coverage of members without dependents and  
22 one premium for TRICARE Standard coverage of mem-  
23 bers with dependents referred to in subsection (f)(1). The  
24 premium prescribed for a coverage shall apply uniformly

1 to all covered members of the reserve components covered  
2 under this section.

3 “(3) The monthly amount of the premium in effect  
4 for a month for TRICARE Standard coverage under this  
5 section shall be the amount equal to the cost of coverage  
6 that the Secretary determines on an appropriate actuarial  
7 basis.

8 “(4) The Secretary shall prescribe the requirements  
9 and procedures applicable to the payment of premiums  
10 under this subsection.

11 “(5) Amounts collected as premiums under this sub-  
12 section shall be credited to the appropriation available for  
13 the Defense Health Program Account under section 1100  
14 of this title, shall be merged with sums in such Account  
15 that are available for the fiscal year in which collected,  
16 and shall be available under subsection (b) of such section  
17 for such fiscal year.

18 “(e) REGULATIONS.—The Secretary of Defense, in  
19 consultation with the other administering Secretaries,  
20 shall prescribe regulations for the administration of this  
21 section.

22 “(f) DEFINITIONS.—In this section:

23 “(1) The term ‘immediate family’, with respect  
24 to a member of a reserve component, means all of  
25 the member’s dependents described in subpara-

1 graphs (A), (D), and (I) of section 1072(2) of this  
2 title.

3 “(2) The term ‘TRICARE Standard’ means—

4 “(A) medical care to which a dependent  
5 described in section 1076(a)(2) of this title is  
6 entitled; and

7 “(B) health benefits contracted for under  
8 the authority of section 1079(a) of this title and  
9 subject to the same rates and conditions as  
10 apply to persons covered under that section.”.

11 (b) CLERICAL AMENDMENT.—The table of sections  
12 at the beginning of chapter 55 of such title is amended  
13 by inserting after the item relating to section 1076d the  
14 following new item:

“1076e. TRICARE program: TRICARE Standard coverage for certain members  
of the Retired Reserve who are qualified for a non-regular re-  
tirement but are not yet age 60.”.

15 (c) EFFECTIVE DATE.—Section 1076e of title 10,  
16 United States Code, as inserted by subsection (a), shall  
17 apply to coverage for months beginning on or after Octo-  
18 ber 1, 2009, or such earlier date as the Secretary of De-  
19 fense may specify.

○